

AUG 04 2003

S/N 09/865056

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jean-Louis Mathiez Examiner: Troy Arnold
Serial No.: 09/865056 Group Art Unit: 3721
Filed: May 24, 2001 Docket: 967.037US1
Title: PACKAGING AND COVER FOR PACKAGING FOR COSMETIC OR
PHARMACEUTICAL COMPOSITIONS

RESPONSE TO CORRESPONDENCE MAILED JULY 1, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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TECHNOLOGY CENTER R3700

The Examiner has requested the Applicant to prepare a restriction of claims 1-32 of the present application. Applicant is responding in order to decline to prepare such a restriction. Applicant does not believe that there is more than one invention claimed.

Furthermore, it is not appropriate for the Applicant to be called upon to perform the task requested. Restriction practice is within the purview of the United States Patent Office, not the Applicant. MPEP Section 803.01, cited below, describes the authority required to perform and approve Restriction Requirements to avoid double patenting. The Applicant is given no role in this process.

Since requirements for restriction under **35 U.S.C. 121** are discretionary with the Commissioner, it becomes very important that the practice under this section be carefully administered. Notwithstanding the fact that this section of the statute apparently protects the applicant against the dangers that previously might have resulted from compliance with an improper requirement for restriction, IT STILL REMAINS IMPORTANT FROM THE STANDPOINT OF THE PUBLIC INTEREST THAT NO REQUIREMENTS BE MADE WHICH MIGHT RESULT IN THE ISSUANCE OF TWO PATENTS FOR THE SAME INVENTION. Therefore, to guard against this possibility, only an examiner with permanent or temporary full signatory authority may sign final and non-final Office actions containing a final requirement for restriction, except that an examiner with permanent or temporary partial signatory authority may sign non-final Office actions containing a final requirement for restriction.

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It is believed that this response addresses the query made by the Examiner. Because there has not been an actual claim restriction, Applicant cannot make an election.

Respectfully submitted,

JEAN-LOUIS MATHIEZ

By his Representatives,

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Date 1 August 03

By

J. M. Kalis

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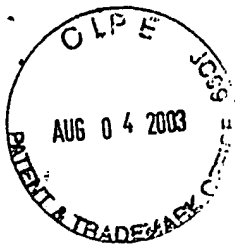
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Examiner: Troy G. Arnold

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We are transmitting herewith the following attached items (as indicated with an "X"):

☒ A return postcard.☒ A Response to Correspondence Mailed July 1, 2003 (2 Pages).

If not provided for in a separate paper filed herewith, Please consider this a **PETITION FOR EXTENSION OF TIME** for sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
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By: *Janal M. Kalis*
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Reg. No. 37,650

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